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SUMMARY OF ACTIVITIES NINETY-SEVENTH CONGRESS

A REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT UNITED STATES HOUSE OF REPRESENTATIVES

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JANUARY 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., January 3, 1983.

Hon. EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives,
Washington, D.C.

DEAR SIR: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, I hereby submit to the House a report on the activities of the Committee on Standards of Official Conduct for the 97th Congress.

Sincerely,

LOUIS STOKES, *Chairman.*

Union Calendar No. 623

97TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97–1004

SUMMARY OF ACTIVITIES—NINETY-SEVENTH CONGRESS

JANUARY 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

Foreword

Clause 1(d) of House Rule XI requires that each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending on January 3 of such year.

The jurisdiction of the Committee on Standards of Official Conduct during the 97th Congress is defined in Rule X, clause 1(t), which reads as follows:

Committee on Standards of Official Conduct

(1) Measures relating to the Code of Official Conduct. In addition to its legislative jurisdiction under the preceding provision of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the functions with respect to recommendations, studies, investigations, and reports which are provided for in clause 4(e), and the functions designated in title I of the Ethics in Government Act of 1978.

Rule X, Clause 4

(e)(1) The Committee on Standards of Official Conduct is authorized: (A) to recommend to the House from time to time such administrative actions as it may deem appropriate to establish or enforce standards of official conduct for Members, officers, and employees of the House; (B) to investigate, subject to subparagraph (2) of this paragraph, any alleged violation, by a Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, and, after notice and hearing, to recommend to the House by resolution or otherwise, such action as the committee may deem appropriate in the circumstances; (C) to report to the appropriate Federal or State authorities, with the approval of the House, any substantial evidence of a violation, by a Member, officer, or employee of the House, of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in a committee investigation; and (D) to give consideration to the request of any Member, officer, or employee of the House for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, officer, or employee and, with appropriate deletions to assure the privacy of the individual concerned, to publish such opinion for the guidance of other Members, officers, and employees of the House.

(2) (A) No resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, officer, or employee of the House shall be made by the Committee on Standards of Official Conduct, and no investigation of such conduct shall be undertaken by such committee, unless approved by the affirmative vote of a majority of the members of the committee.

(B) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, officer, or employee of the House of Representatives only—

(i) upon receipt of a complaint, in writing and under oath, made by or submitted to a Member of the House and transmitted to the committee by such Member, or

(ii) upon receipt of a complaint, in writing and under oath, directly from an individual not a Member of the House if the committee finds that such complaint has been submitted by such individual to not less than three Members of the House who have refused, in writing, to transmit such complaint to the committee.

(C) No investigation shall be undertaken by the committee of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation.

(D) A member of the committee shall be ineligible to partipicate, as a member of the committee, in any committee proceeding relating to his or her official conduct. In any case in which a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker of the House shall designate a Member of the House from the same political party as the ineligible member of the committee to act as a member of the committee in any committee proceeding relating to the official conduct of such ineligible member.

(E) A member of the committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House upon the submission in writing and under oath of an affidavit of disqualification stating that he cannot render an impartial and unbiased decision in the case in which he seeks to disqualify himself. If the committee approves and accepts such affidavit of disqualification, the chairman shall so notify the Speaker and request the Speaker to designate a Member of the House from the same political party as the disqualifying member of the committee to act as a member of the committee in any committee proceeding relating to such investigation.

(F) No information or testimony received, or the contents of a complaint or the fact of its filing, shall be publicly disclosed by any committee or staff member unless specifically authorized in each instance by a vote of the full committee.

INVESTIGATIONS PURSUANT TO HOUSE RESOLUTION 67

On February 2, 1980, reports were widely circulated in the media to the effect that a number of named Congressmen allegedly were involved in a so-called "ABSCAM" investigation being conducted by the Department of Justice. On March 4, 1981, the House of Representatives overwhelmingly passed House Resolution 67,[1] which "authorized and directed" the Committee "to conduct a full and complete inquiry and investigation of alleged improper conduct which has been the subject of recent investigations (commonly referred to as ABSCAM) by the Department of Justice * * *," and to "report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives * * *".

A. Representative Raymond F. Lederer

Representative Raymond F. Lederer of Pennsylvania was indicted by a Federal Grand Jury in the Eastern District of New York in a four-count indictment charging violations of Title 18 of the United States Code. On January 9, 1981, after a five-day trial, Mr. Lederer was found guilty by a jury on all four counts charged in the indictment.

In a March 3, 1981, letter to the Honorable Louis Stokes, Chairman of the Committee on Standards of Official Conduct, James J. Binns, Esq., counsel for Mr. Lederer, informed the Committee that the District Judge who presided over Mr. Lederer's trial had completed the testimonial phase of a post-trial due process hearing. Mr. Binns proposed that the Committee refrain from acting until the District Judge had rendered his decision on the defendant's post-trial motions seeking to overturn Mr. Lederer's conviction. The Committee met in Executive Session on March 11, 1981, and, after deciding to treat Mr. Binns' letter as a formal motion to defer the preliminary inquiry, voted, 9–0, to deny the motion. On that same date, pursuant to House Resolution 67 and Rules 11(a) and 14 of the Committee's Rules, the Committee voted, 9–0, to initiate a preliminary inquiry into the Lederer matter.

On April 1, 1981, after hearing argument from Special Counsel and counsel for Mr. Lederer concerning certain aspects of Mr. Lederer's motion to dismiss the indictment and concerning the finality of Mr. Lederer's conviction in the District Court, the Committee voted, 11–1, that Mr. Lederer had committed offenses over which the Committee had jurisdiction, and that the Committee should "proceed promptly to hold a disciplinary hearing for the sole purpose of determining what sanction to recommend that the House of Representatives impose on Representative Lederer for these offenses * * *".

The Committee held its sanctions hearing in this matter on April 9, 1981, and next met at the call of the Chairman on April 28, 1981, and

[1] The 96th Congress passed House Resolution 608 on March 27, 1980. This resolution was identical to House Resolution 67 and "authorized and directed" the initial inquiries and investigation of alleged improper conduct by Members of the House of Representatives arising out of ABSCAM.

voted, 10–2, to recommend that Representative Lederer be expelled from the House of Representatives. (H.R. 97–110)

On April 29, 1981, Representative Lederer tended his resignation from the House of Representatives effective at the adjournment of the House on Tuesday, May 5, 1981.

B. Representative John P. Murtha

On May 11, 1981, the Committee received a Report of Special Counsel Recommending Preliminary Inquiry concerning Representative John P. Murtha of Pennsylvania. That report summarized evidence available to the Committee staff reasonably indicating that Representative Murtha may have committed one or more violations of the Code of Official Conduct, or a law, rule, regulation, or other standard of conduct applicable to his conduct in the performance of his duties or in the discharge of his responsibilities. On May 28, by a vote of 9–0, the Committee resolved to conduct a preliminary inquiry pursuant to Rule 11(a) to determine whether such violation(s) occurred.

The Committee met in Executive Session on July 21, 1981, to receive a written and oral statement from Mr. Murtha, followed by Special Counsel's Report Upon Completion of Preliminary Inquiry.

On July 28, 1981, the Committee, after concluding the Preliminary Inquiry, found on the basis of the evidence presented no reason to issue a Statement of Alleged Violation. Therefore, the matter was dismissed.

REPRESENTATIVE FREDERICK W. RICHMOND

In late 1981 the Committee began monitoring certain public allegations against Representative Frederick W. Richmond of New York. On May 12, 1982, the Committee voted to conduct a Preliminary Inquiry into these allegations and instructed the staff to report back any findings and recommendations to the Committee.

During the course of the Committee's investigation, the Department of Justice officially requested the Committee to defer its investigation relative to Mr. Richmond in order to not interfere with negotiations going on between Mr. Richmond, his counsel, and the Department of Justice.

On August 25, 1982, Mr. Richmond entered the U.S. District Court for the Eastern District of New York and pled guilty to a felony for having evaded taxes on certain income for the year 1980, to a misdemeanor for having supplemented the salary of a federal employee by arranging for a college scholarship for his daughter, and to a misdemeanor for having possessed marijuana.

On the same day, Mr. Richmond submitted his resignation as the Representative in Congress of the 14th congressional district of New York.

INVESTIGATIONS PURSUANT TO HOUSE RESOLUTION 518

On June 30 and July 1, 1982, millions of Americans watched two teenagers, both former pages of the House of Representatives, with their faces shielded, declare on the CBS Evening News that they had been victims of sexual misconduct by Members of the House of Representatives. On July 1, 1982, Chairman Louis Stokes announced that he had instructed the staff of the Committee to commence immediately

a thorough investigation of media reports of charges that some Members of Congress had promised official acts in return for sexual favors.

On July 13, 1982, the House agreed to House Resolution 518 which authorized and directed the Committee on Standards of Official Conduct to investigate allegations of:

(1) improper or illicit sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House in exchange for sexual favors or drugs.

Prior to the end of the 97th Congress, Special Counsel submitted an interim report stating that most, but not all, of the investigation of sexual misconduct had been completed. The Special Counsel found that the evidence conclusively indicated that the highly-publicized charges of sexual misconduct made by two former pages were false. In one instance, however, the Special Counsel recommended, and the Committee voted to initiate a Preliminary Inquiry. In this instance and of the matters still under investigation, the Committee voted to transmit all materials involved to the Committee of the 98th Congress and to recommend these matters be completed as early as possible in 1983.

The work of the Committee in investigating allegations of illicit use or distribution of drugs involving Members, officers, or employees of the House has been carried out in coordination with the Justice Department and its Drug Enforcement Administration. A number of matters are still under active investigation. In one instance, the Special Counsel recommended, and the Committee voted to initiate a Preliminary Inquiry. Once again, the Committee voted to transmit all materials involved to the Committee of the 98th Congress and to recommend these matters be completed as early as possible in 1983. (H. Rept. 97–965)

OTHER ACTIVITIES

Advisory opinions

Advisory Opinion No. 6, issued September 14, 1982, provided a general interpretation of House Rule XLIII, clause 6, and Rule XLV, dealing with the purposes for which campaign funds could be expended. The Committee received an inquiry concerning the application of House Rule XLIII, clause 6 and Rule XLV, to use by a Member of campaign funds to advertise or promote a town meeting in his district and in areas newly added to the district by reapportionment after notice of the meeting has been mailed under the frank. Accordingly, this Advisory Opinion was issued for guidance of Members and interested parties.

In addition to the formal Advisory Opinion mentioned above, the committee and staff responded to numerous requests from Members, employees and the general public on a daily basis for advice and/or interpretation of House Rules and other standards of conduct applicable to Members and employees of the House.

Foreign Gifts and Decorations Act

Pursuant to the "Regulations Applicable to Acceptance of Gifts and Decorations from Foreign Governments by Members, Officers and Employees", the Committee processed statements and responded to various requests from Members of the House for interpretations of the Foreign Gifts and Decorations Act (5 U.S.C. 7342). Reports filed under these regulations are maintained in the committee office and are available for public inspection at reasonable hours.

The Foreign Gifts and Decorations Act permits Members, officers and employees of the House of Representatives to accept from foreign governments and/or their agents gifts of "minimal value" which were defined as gifts with a retail value of $100 or less in the United States. The law also provides that the General Services Administration shall redefine minimal value every three years to adjust for inflation. On October 20, 1981, GSA redefined "Minimal value" as being $140 or less. The Committee at its meeting on December 8, 1981, amended its *Regulations Applicable to Acceptance of Gifts and Decorations from Foreign Governments* to reflect the new definition of "minimal value".

Complaints

A number of complaints were received by the Committee for examination to determine if each complaint submitted was in compliance with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 9 of the Committee rules. Those complaints which did not comply with House and Committee rules were returned to the complainant. Those which complied with the rules were considered by the Committee for appropriate disposition. In all such instances, the Committee and staff were aware of the provisions of House Rule X, clause 4(3)(2)(F) which reads "No information or testimony received, or the contents of a complaint or the fact of its filing, shall be publicly disclosed by any Committee or staff member unless specifically authorized in each instance by a vote of the full Committee."

During the course of the 97th Congress, the Committee held 15 meetings during the First Session (1981) and 8 meetings during the Second Session (1982).

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